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C O N F I D E N T I A L SECTION 01 OF 03 BAGHDAD 000279

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [PINR](#) [IZ](#)
SUBJECT: RRT ERBIL: KRG MOVES TO AMEND PRESS LAW RAISE
FEARS AMONG JOURNALISTS

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Classified By: RRT Erbil Team Leader Andrew Snow for reasons 1.4 (b) and (d)

11. (U) This is an RRT Erbil cable.
12. (SBU) SUMMARY: Kurdistan Regional Government (KRG) authorities and other sources confirm that the government will propose amendments to the region's 2008 press law in a bid to regulate electronic media, provide greater protection against perceived invasions of privacy, and punish "offenses to public morals." The planned amendments are raising fears among journalists that added restrictions will constrict the region's nascent press freedoms. End summary.
13. (C) During an introductory courtesy call with RRT Team Leader in early December, KRG Minister of Culture Kawa Mahmoud Shakir, a long-time member of the Iraqi Kurdistan Region's (IKR) small communist party, signaled that the KRG will amend the region's 2008 press law. Saying that the law has "some problems," he acknowledged that, while the law was intended to be the sole basis for prosecuting publication offenses, journalists remained subject to prosecution under Articles 434 and 433 of the penal code for defamation and for "offenses to public morals." Warning to the subject, Shakir blamed journalists for seeking to publish potentially libelous material in the first place. He explained, "Political life is unstable, and news outlets negatively affect stability," asserting that the privacy of individuals was being violated. Asked about claims by independent journalists that they are the targets of a disproportionate number of criminal prosecutions, Shakir replied, "Don't believe them. There is no independent media, just opposition."
14. (C) At a subsequent meeting with RRT Team Leader on January 12, KRG Minister of Justice Rauf Rasheed Abdulrahman confirmed that discussions were underway between the government and lawmakers. (Bio note: Abdulrahman was the judge who presided at the sentencing of Saddam Hussein and Prime Minister Dr. Barham Salih proudly brought him in as KRG Justice Minister in the Sixth KRG Cabinet. In the early 1990's, the Minister was a member of a human rights advocacy organization in Sulaimaniyah. End bio note.) Parliamentarians from the bill-drafting Legal Committee had met with the Minister the same day to begin discussing the legislation but the Minister said he has yet to receive a text. Abdulrahman shared his expectation that the main form of penalties would continue to be fines, but did not rule out imprisonment. He denied knowing of any specific prosecutions, libel cases, or violent incidents against journalists, but mentioned that the journalists themselves "may make a big deal" by complaining for their own aggrandizement.

Background

¶5. (SBU) Journalism in Iraq's Kurdistan region began in the mountains. While Peshmerga fighters waged war on Saddam's armies, insurgent journalists produced radio broadcasts to transmit information that would rally popular support and deceive the enemy. Director of news for the PUK-funded Kurdsat Television, Barzan Sheikh Osman, told PDOff an apocryphal story of one insurgent journalist who criticized then Commander Jalal Talabani. Although the Peshmerga begged his permission to dispatch the hack, Talabani reportedly spared the journalist's life, saying the best response was to publish something loyal in reply.

¶6. (C) Kurdish journalism has kept its unruly and dangerous reputation ever since. Late in the afternoon of October 27, Nabaz Goran, the editor of the independent weekly Jihan, was confronted on the street outside his Erbil office by a gang of quiet, well-built, armed men. Two of them methodically punched and kicked him in the head, face and ribs for twenty minutes, causing multiple injuries just shy of fractures. In an interview with PDOff, Goran said the men swore at him, saying in low voices, "If you write any more about our president, we will kill you next time." After the beating, Goran closed the magazine's office and fled to Sulaimaniyah. The directorate-general of the Erbil Assayesh issued a press statement after the attack, but so far have declined to investigate. Goran told PDOff this is the second time he has been assaulted since 2007. He has also been arrested 22 times and received 61 threats via email, telephone, and letter.

¶7. (SBU) Kurdish journalists have no formal training, are

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poorly paid, and lack professional ethics. Political parties currently own most of the media outlets. Independent journalists often recount stories of intimidation by individuals working for tribes, militias, and even corporate interests who feel threatened by exposure. According to both the Kurdistan Journalists Syndicate (KJS) and local human rights watchdogs, incidents of harassment and intimidation rose last June, peaking in late July coincident with regional elections.

Amending the Current Law

¶8. (SBU) Today's press freedoms are guaranteed under a 2008 law passed by the Iraqi Kurdistan Parliament (IKP). It was enacted after KRG President Masoud Barzani vetoed an earlier version passed in December 2007 which imposed bald restrictions on news outlets, for example, allowing the government to close newspapers. Though the provisions of the current law fall short of the protections in the West, the law is considered by some observers to be a model for other Middle Eastern societies seeking to build democratic systems. Media faculty at the University of Sulaimaniyah told PDOff that the law's great advance was to bar imprisonment for publication offenses. Punishment is provided for in the form of fines set at IQD one million per count against an individual journalist and IQD five million per count against a news outlet.

¶9. (SBU) Proponents of the amendments fall into two camps. One camp seeks to strengthen the law by filling in gaps, but opposes new restrictions on press freedoms. KJS secretary Hamid Mohammed told PDOff that the current law is limited in scope to print media. He says amendments are needed to regulate electronic media and to provide a mechanism for

public access to information. His analysis was echoed by members of the IKP Legal Committee, who told PDOff that the gaps are being exploited by the "political authority" to pressure journalists away from reporting controversial stories such as those involving corruption among public officials. Committee members also believe that penal code prosecutions could be thwarted by adding provisions to the press law on "offenses to public morals" and "offenses to public systems" that specify fines as punishment. The former offense encompasses publications that result in hate crimes, propagation of extremist ideologies, incitement, or sectarian violence. The latter offense encompasses publications that cross more traditional red lines resulting in harm to national interests.

¶10. (SBU) A second camp of proponents, led by officials responsible for the region's powerful array of party media organs, seeks to punish journalists for perceived transgressions. KDP Media Office director Sero Qadir told PDOff that there's "too much freedom in the law," and that Kurdish cultural norms are at risk from aggressive journalists with tabloid tendencies. He cited two feuding newspapers which each published stories slandering the other paper's editor using "bad language," i.e. obscenities. Qadir also condemned the general disrespect with which many journalists treated government and party leaders. In a novel argument, he drew on the issue of honor killings, saying that Kurdish women were now more likely to be victims of honor killings because of the daily publication of photographs of women in the company of men not their husbands or brothers. Though he denied seeking new restrictions on content, Qader summed up his views, saying, "When journalists cross certain red lines, they must be punished."

¶11. (C) In a meeting December 21 between the Ambassador's Senior Advisor for Northern Iraq and Masrur Barzani, Director of the KRG intelligence services, Barzani complained about the statements critical of his father, KRG President Masoud Barzani, leveled by media along with the opposition Goran movement. The younger Barzani explained that there is a "systematic campaign against the very leadership of the KDP" and that the criticisms were "shallow" and couched in "bad Language." His voice rising, Barzani said that if the KDP says anything in its own defense, "Journalists then claim, 'Oh, I am being attacked!'" Barzani, like many other ruling party contacts, echoed Culture Minister Shakir's simplistic characterization of independent journalists, saying journalists are either with the government or with the opposition. (Comment: The topic is sensitive for Masrur. In February 2008, he was reportedly detained by Austrian authorities in Vienna on allegations his bodyguards had shot an Iraqi Kurdish journalist who had published critical articles about the Barzanis. End comment.)

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¶12. (C) In October 2009, PUK Council member and Advisor to President Talabani Aram Yarwessi told PolOff that it was necessary for him to spend an inordinate amount of time in Suleymaniya to pursue a legal case against Rozhnama and Lvin Magazine for slanderous statements they made about his father, claiming he was a corrupt and cowardly Peshmerga leader. Yarwessi insisted that his father was known as one of Kurdistan's great intellectuals, "an academic who was certainly uncorruptable." Yarwessi asserted that independent media in the IKR does not provide accurate objective reporting, and instead takes "pot shots at everyone in the name of independent press."

Those Not in Favor

¶13. (C) Independent journalists and critics of the possible amendments are skeptical of the government's intentions. In an interview with PDOff, IKP (Goran) deputy and former Rozhnama newspaper Editor-in-Chief Adnan Othman observes that the two newspapers accused of publishing "bad language" are party-run outlets. He suggested that the incident was manufactured in order to give authorities a public excuse for pushing through new restrictions on the basis of protecting public morals. Hawlati newspaper publisher Tareq Fateh spoke for many independent journalists when he told PDOff that Kurdish leaders and their supporters in the party militias regard journalists as enemies of the state. In remarks at the October swearing-in of the new KRG Government, President Barzani expressed belief in freedom of the press. He also warned, "We are going through a delicate and difficult time, and more than anytime we need unity and unanimity on the key issues that face us. In a democracy, I totally believe in having differences in opinion and respect for other views. But this should not be at the expense of national and patriotic issues."

¶14. Comment: (SBU) Iraqi Kurdistan media are less than a generation from the days of the insurgent radio operators described by Kurdsat's Osman. The warrior ethos which enabled Kurds to survive Saddam's attempted genocide does not translate easily into tolerance of opposition and contentious viewpoints. Proponents argue that the amendments will benefit press freedoms in the long run by moving disputes out of the streets and into the courts. A larger problem, however, may lie in the law's implementation. When asked by PDOff, the KDP's Qadir could not name a single instance in which legal action was taken against a media outlet of the PUK or KDP. The KJS recorded 44 court cases against media outlets and professionals in 2009, virtually all against the region's few independent journalists. With independent and opposition journalists already feeling under siege, ratcheting up the ruling parties' ability to intimidate independent journalists could have a chilling effect on the regions nascent press freedoms.
HILL